

**UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
RENTON, WASHINGTON 98055-4056**

<p>In the matter of the petition of</p> <p>United Parcel Service</p> <p>for an exemption from § 25.1415(b) of the Federal Aviation Regulations</p>	<p>Regulatory Docket No. 28550</p>
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GRANT OF EXEMPTION

By letter dated April 9, 1996, Tony McBride, Manager, Quality Assurance, United Parcel Service, 1400 North Hurstbourne Pkwy., Louisville, KY 40223, petitioned for a temporary exemption from the limitation in Technical Standard Order (TSO) C70A, that limits Type II liferafts to non-transport category airplanes.

Section of the FAR affected:

Section 25.1415(b) requires that each liferaft for a transport category airplane be approved. Although the petitioner has requested relief from the provisions of a TSO, it is, in fact, the provisions of part 25 that require an exemption. Compliance with a TSO is not required (and in any case UPS is not the TSO holder); whereas compliance with the basic type certification regulations is required.

The petitioner's supportive information is as follows:

"United Parcel Service Co. (UPS) respectfully petitions for an exemption to the Type I/II limitations contained in TSO C70A for the UPS B767 fleet for a brief period of approximately 100 days. Within this request UPS will show that by granting this petition an equivalent level of safety is maintained. Failure to

"grant the exemption represents an economic hardship to UPS that frankly was not avoidable through actions on UPS's part."

"BACKGROUND

UPS has contracted with Boeing for the manufacture of B767-300 freighters. To date, 5 aircraft have been delivered. The first four aircraft were delivered with Hoover part number 600-107RB life rafts. These are 6 man rafts certified to TSO C70A (Type II rafts). UPS specified this particular raft because it packs to a convenient size that allows a custom cabinet to hold the rafts within the limited confines of the freighter cockpit.

"Just prior to the delivery of the fifth aircraft, the FAA informed Boeing that the selected raft was not acceptable for certification on a transport category aircraft. In response to that, UPS has now contracted with Hoover for the manufacture of a new Type I raft of similar dimensions. UPS also removed the original rafts from the first four aircraft thus removing the aircraft from overwater routes since the logistics of one aircraft's unique capabilities out of five was unmanageable. UPS now finds itself in the position of waiting for the certification and subsequent delivery of the new rafts while operating this small fleet.

"SAFETY

"The level of safety is not compromised if UPS is allowed to operate these 4 aircraft with TSO C70A Type II rafts in lieu of the Type I rafts for the period requested. The transport category aircraft requirement in the TSO appears to have been written in an attempt to add enhanced safety to the large air carrier, flying public. This is evidenced by the Type II raft capability on 'non-transport category' aircraft which still includes larger numbers of the general public, such as on FAR 135 charters and Air Taxi operators.

"UPS believes that there is no compromise in the level of safety. A review of the facts bears this out.

- The small number of supernumeraries on these aircraft (four) plus two crewmembers is more representative of the numbers found on general aviation aircraft, business jets and other 'non-transport category' aircraft.
- These 4 additional flight deck occupants, as a generalization, are air carrier employees and, in comparison to the general, flying public, are:
 - younger,

- comfortable around aircraft and equipment,
 - better trained,
 - more aviation/technically oriented,
 - healthier, and,
 - usually, they are other flight crew members dead heading to or from their flights.
- Projected usage from about April 25 to August 1 represents very limited exposure on a fleet with an impeccable safety record on a carrier with a likewise impeccable safety record.
 - Usage shall be limited to 4 aircraft.
 - Primary requirement for overwater usage is for a weekend charter from Miami to Sao Paulo, (one aircraft per weekend).
 - Modern Type II raft reliability is equivalent to Type I, especially given the controlled usage within a crew/ supernumerary (i.e. not the general public) environment.
 - Presently there are no rafts on the first four aircraft since they are not used for overwater operations. The addition of rafts (albeit Type II rafts) increases safety by adding redundant equipment that is not mandated. This equipment includes the Emergency Radio Beacon and Survival Kit for example."

"ECONOMIC HARDSHIP

"UPS has altered flight schedules and routes in order to accommodate the inferred Type II restriction on these first four aircraft. The operation of the charter to Sao Paulo may have to be either canceled or operated with more expensive equipment (if available).

"UPS respectfully requests that an exemption be granted for the period from April 25 to August 1 when the new rafts are expected to be available. UPS further requests that this exemption be approved on an expedited basis by April 20 in order that the issue of the charter may be resolved."

The FAA finds, for good cause, that action on this petition should not be delayed by publication and comment procedures for the following reasons: (1) this matter does not affect the flying public at large, and represents only a request for temporary exemption from the requirement, rather than permanent relief; and (2) delay in acting on the petition would clearly be detrimental to the petitioner because publication and comment procedures could not be completed before the scheduled flight.

The Federal Aviation Administration's analysis/summary is as follows:

The FAA notes that the petitioner has several reasons for requesting this temporary exemption. Underlying each of the arguments, however, is the relatively low risk associated with a temporary grant of exemption. While the FAA agrees that the occupants of a freighter airplane are more likely to be familiar with the airplane and its equipment, this is not really germane to the capability of the liferaft itself. Type I liferafts are generally more seaworthy than Type II liferafts, and are better suited to the extended overwater operation undertaken by transport category airplanes. Under such conditions, the raft may need to be occupied for longer periods of time than would be necessary for airplanes equipped with Type II rafts. For these reasons, the FAA requires liferafts meeting the standards of the Type I raft (principally multiple inflation chambers and redundant inflation systems) on this type of airplane. Nonetheless, given the relatively short time period and small number of airplanes affected, the FAA considers that an exemption would be in the public interest. Since both Type I and Type II rafts are readily available, the FAA would typically allow only a very short time to exchange the rafts. In this case, UPS has limited space available to stow the rafts, and the standard rafts apparently will not fit. The FAA considers that additional time is warranted to allow for procurement of the new rafts, and will not measurably degrade safety.

In consideration of the foregoing, I find that a grant of exemption is in the public interest and will not affect the level of safety provided by the regulations. Therefore, pursuant to the authority contained in 49 USC 40113 and 44701, delegated to me by the Administrator (14 CFR 11.53), United Parcel Service is hereby granted an exemption from § 25.1415(b) of the Federal Aviation Regulations. The petition is granted to the extent required to permit operation of four Boeing Model 767-300 freighter airplanes, with TSO C70A Type II liferafts. This exemption expires on August 2, 1996.

Issued in Renton, Washington, on April 22, 1996.

Stewart R. Miller, Acting Manager
Transport Airplane Directorate
Aircraft Certification Service, ANM-100